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Secrecy Right Of CIA Upheld In U.S. Court

RICHMOND, Va. (AP) — The right of the Central Intelligence Agency to mask its sources in anonymity has been affirmed by the 4th U.S. Circuit Court of Appeals in a case involving the CIA and charges leveled against an Estonian emigre living in Canada.

But the Court of Appeals also ordered a lower court to inquire further into the case to determine if a CIA official who allegedly instructed an agent to brank Erik Heine, 46, a Soviet agent had the authority to give such an order.

Heine filed suit in U.S. District Court in Baltimore, charging that Juri Raus, 38, another Estonian emigre, had branded him falsely as a Soviet agent. Raus now resides in Hyattsville, Md.

The CIA invoked the governmental privilege against disclosure of state secrets, and the lower court awarded a summary judgement in favor of Raus.

The complex 15-page opinion written by Chief Judge Clement F. Hynsworth, with concurrence of Judge Herbert S. Boreman, said of the case's broad implications:

"In such circumstances, is the CIA to seek an indictment on charges it cannot prove if the sources of its information are its own secret agents in the Soviet Republic?